GOVERNMENT OF INDIA
SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA

UNSTARRED QUESTION NO:733
ANSWERED ON:07.02.2017
SC/ST (Prevention of Atrocities) Act, 1989
Nete Shri Ashok Mahadeorao

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether the Government has taken or proposes to take any steps to ensure strict compliance of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Protection of Civil Rights Act, 1955 by making it more effective and fixing the responsibility of concerned District Magistrates and Police Commissioners in major cases of harassment, genocide or damages to properties of persons belonging to the said communities; and

(b) if so, the details thereof?

Answer

MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT
(SHRI VIJAY SAMPLA)

(a) & (b):- With an objective to deliver members of SCs and STs, a greater justice, the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities){PoA} Act, 1989 has been amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (No.1 of 2016), and enforced with effect from 26.01.2016. The amendments done in the PoA Act broadly relate to rephrasing and expansion of some of earlier offences, addition of several new offences ,establishment of Special Exclusive Special Courts for speedy disposal of cases, power of Special Courts and Exclusive Special Courts to take direct cognizance of offences and as far as possible, completion of trial of the case within two months, from the date of filing of the charge sheet, addition of chapter on the 'Rights of Victims and Witnesses' and elaboration of duties to be performed by a public servant under the PoA Act.
Sub-rule(3) of Rule 7 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities){PoA} Rules, 1995 also, inter-alia, specifies that the Director General of Police or the Commissioner of Police in-charge of the concerned State/Union Territory shall review by the end of every quarter the position of all investigations done by the investigating officer. Further, sub-rule(4) of Rule 12 of the PoA Rules specifies that the District Magistrate etc, shall make necessary administrative and other arrangements and provide relief in cash or in kind or both within seven days to the victims of atrocity, their family members and dependents and sub-rule(4A) further specifies that for immediate withdrawal of money from the treasury so as to timely provide the relief amount , the concerned State Government/ Union territory Administration may provide necessary authorisation and powers to the District Magistrate.
Since 'Police' and 'Public Order' are State subjects under the Seventh Schedule (List-ll) to the Constitution of India, the State Governments/Union Territory Administrations are primarily responsible for prevention, detection, registration, investigation and prosecution of crimes within their jurisdiction including crimes against members of Scheduled Castes(SCs) and Scheduled Tribes(STs), as also for implementation of the Protection of Civil Rights{PCR} Act, 1955 and the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities){PoA} Act, 1989. However, the Central Government from time to time advises the State Governments/ Union Territory Administrations to implement provisions of the two Acts in letter and spirit and also provides Central assistance to them towards effective implementation of the two Acts.

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